

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

EUDE RIVERA,

Plaintiff,

v.

Case No. 8:19-cv-2337-TPB-MCR

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Monte C. Richardson, United States Magistrate Judge, entered on June 28, 2021.

(Doc. 32). Judge Richardson recommends “Plaintiff’s Unopposed Motion for an Award of Attorney’s Fees Pursuant to 42 U.S.C. § 406(b)” (Doc. 29) be granted. Specifically, Judge Richardson recommends that Plaintiff be awarded reasonable attorney’s fees in the amount of \$13,080.00. The motion was unopposed and no objection to the report and recommendation was filed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district

court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Richardson’s report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Richardson’s detailed and well-reasoned factual findings and legal conclusions. Consequently, “Plaintiff’s Unopposed Motion for Award of Attorney’s Fees Pursuant to 42 U.S.C. § 406(b)” (Doc. 29) is granted.

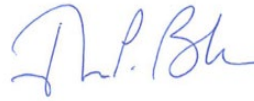
Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

1. The report and recommendation (Doc. 32) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
2. “Plaintiff’s Unopposed Motion for Award of Attorney’s Fees Pursuant to 42 U.S.C. § 406(b)” (Doc. 29) is **GRANTED**.
3. The Commissioner is directed to pay to Plaintiff’s counsel the sum of \$13,080.00 for § 406(b) fees out of Plaintiff’s past-due benefits. The Clerk is directed to enter judgment accordingly.

4. Plaintiff's attorney is directed to refund the EAJA fee award of \$6,791.12 to Plaintiff upon receipt of the § 406(b) fees.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 16th day of August, 2021.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**